

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION

VIRGINIA DENISE LITTLE

VS.

CIVIL ACTION NO. 2:06cv65-KS-MTP

MARVIN SMITH, ET AL

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION  
AND DISMISSING CASE WITH PREJUDICE, ETC.

This cause is before the Court on Motion for Default Judgment against Jason Little, Sr. [17], Response thereto [25] filed by Jason Little, Sr. and Report and Recommendation [26] of Magistrate Judge Michael T. Parker filed February 16, 2007, and the Court after considering same does hereby find as follows.

I. PROCEDURAL HISTORY

The genesis of this dispute between Jason Little, Sr., Defendant herein, and Plaintiff, Virginia Denise Little, is a domestic dispute between them. They were formerly married to each other and as part of an alleged conspiracy between Jason Little, Sr. and his sister, Plaintiff had her "house arrest" revoked and she was incarcerated in the Mississippi State Penitentiary. This litigation resulted from the chain of events leading up to the incarceration.

The Motion for Judgment against Jason Little comes as a result of his not timely filing his answer to the Complaint.

II. STANDARD OF REVIEW

When a party objects to a Report and Recommendation this Court is required to "make a *de novo* determination of those portions of the report or specified proposed findings or

recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). See also, *Longmire v. Gust*, 921 F. 2d 620, 623 (5<sup>th</sup> Cir. 1991) (Party is “entitled to a *de novo* review by an Article III Judge as to those issues to which an objection is made.”) Such a review means that this Court will examine the entire record, and will make an independent assessment of the law. The Court is not required, however, to reiterate the findings and conclusions of the Magistrate Judge, *Koetting v. Thompson*, 995 F. 2d 37, 40 (5<sup>th</sup> Cir. 1993) nor need it consider objections that are frivolous, conclusive or general in nature. *Battle v. United States Parole Commission*, 834 F. 2d 419, 421 (5<sup>th</sup> Cir. 1987). No factual objection is raised when a petitioner merely reurges arguments contained in the original petition. *Edmond v. Collins*, 8 F. 3d 290, 293 (5<sup>th</sup> Cir. 1993).

### III. ANALYSIS OF MOTION

Plaintiff’s objection does not specifically address this particular Report and Recommendation of the Magistrate [26], but primarily addresses Report and Recommendations [27]. Therefore, there is not any need for an analysis of Plaintiff’s objection, except to say that the granting of a default in this case is left to the sound discretion of the District Judge.

### IV. CONCLUSION

As required by 28 U.S.C. § 636(b)(1) this Court has conducted an independent review of the entire record and a *de novo* review of the matters addressed in this Report and Recommendation. For the reasons set forth above, this Court concludes that any objection to this Report and Recommendation should be **overruled**. The Court further concludes that the proposed Report and Recommendation is an accurate statement of the facts and the correct analysis of the law in all regards. Therefore, the Court accepts, approves and adopts the Magistrate Judge’s factual findings and legal conclusions contained in the Report and

Recommendation. Accordingly, it is ordered that the United States Magistrate Judge's Report and Recommendation is accepted pursuant to 28 U.S.C. § 636(b)(1) and that the Motion for Default Judgment against Jason Little is **denied**.

SO ORDERED this the 21st day of March, 2007.

*s/Keith Starrett*  
UNITED STATES DISTRICT JUDGE